

EXHIBIT HH

In the Matter Of:

LYNNE FREEMAN vs

TRACY DEEBS-ELKENANEY

LYNNE FREEMAN

March 24, 2023



1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 1:22-cv-02435-LLS-SN

4 LYNNE FREEMAN, an individual,
5 Plaintiff,

6 -vs-

7 TRACY DEEBS-ELKENANEY P/K/A
8 TRACY WOLFF, an individual,
9 EMILY SYLVAN KIM, an
10 individual, PROSPECT AGENCY,
11 LLC, a New Jersey limited
12 liability company, ENTANGLED
13 PUBLISHING, LLC, a Delaware
14 limited liability company,
15 HOLTZBRINCK PUBLISHERS, LLC
16 D/B/A MACMILLAN, a New York
17 limited liability company, and
18 UNIVERSAL CITY STUDIOS, LLC, a
19 Delaware limited liability
20 company,

21 Defendants.
22 _____/

23 DEPOSITION OF
24 Lynne Freeman
25 CONFIDENTIAL - ATTORNEYS' EYES ONLY

Friday, March 24, 2023
9:04 a.m. - 6:19 p.m.
Pacific Time

Remote Location
Via Zoom Videoconference
All Parties Remote

STENOGRAPHICALLY REPORTED BY:
ERICA FIELD, RPR
JOB NO. 886198

1 APPEARANCES:

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1 APPEARANCES CONTINUED:

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4 On behalf of Tracy Deebbs-Elkenaney p/k/a
5 Tracy Wolff, Entangled Publishing, LLC,
6 Holtzbrinck Publishers, LLC d/b/a Macmillan,
7 and Universal City Studios LLC:

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13 BY: NANCY WOLFF, ESQUIRE

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19 ALSO PRESENT:

20 Tracy Wolff

21 Elizabeth Pelletier

22 VIDEOGRAPHER:

23 Adriel Olvera

24 Isaac Orihuela

1 And I probably fiddled around with
2 that for two years, and then probably sitting
3 down and writing it, probably a year.

4 Q. So you said you would take little
5 notes and ideas --

6 A. Uh-huh.

7 Q. -- to write. Where would you
8 get -- like, how would that happen? Would
9 you be, you know, in a bookstore and an idea
10 would come to you, and you would take a note?

11 Like, what was your process of the
12 collecting --

13 A. Process --

14 (Simultaneous unreportable crosstalk.)

15 A. I have always been the kind of
16 person that thinks about a fantasy world. I
17 grew up creating one about my own life. And
18 I knew that that was the story that I wanted
19 to write.

20 So when I started to feel
21 inspired, I might take notes on an envelope.
22 I might take notes in my legal pad. I might
23 be at my office and have a few minutes and
24 type something up.

25 When I decided I was actually

1 know if that's -- is it on Page 16 of the
2 document? I really can't tell you why.

3 Q. Now, you see that there are some
4 words on Pages 13 through 17 that are
5 highlighted in blue. Is that right?

6 A. Are we -- Exhibit 51?

7 Q. That is correct.

8 A. Yes.

9 Q. And these words were omitted from
10 the description we just looked at on Page 20
11 of Paragraph 79 of Exhibit 130, right?

12 A. That is correct.

13 Q. Do you agree that the description
14 of the inside of a castle described as with
15 vaulted arches, arched ceilings, large
16 antique doors, crystal chandeliers, roaring
17 fireplace and tapestries is not a full
18 sentence that appears in the book Crave?

19 A. Yes.

20 Q. Can you actually point to any full
21 paragraphs of -- that is the same -- that is
22 the same in both your manuscript and Crave?

23 MR. DONIGER: Vague and
24 ambiguous as to same.

25 A. That's a big question. I can't

1 answer that right now today sitting here.

2 Are we talking about these exhibits? Are you

3 asking me about that?

4 BY MS. COLE:

5 Q. Do any -- do any of the examples
6 in this exhibit point to an entire paragraph
7 that's verbatim in both Crave and BMR?

8 A. No.

9 Q. Do any of these examples in
10 this -- in Exhibit 130 -- are any of the
11 examples in the Exhibit 130 full paragraphs
12 that are the same in BMR and Crush?

13 A. I'm sorry. Exhibit 130?

14 Q. Which is Exhibit 3, the first
15 amendment complaint.

16 A. Right. Isn't Exhibit 30 --
17 isn't -- aren't we just discussing Crave?

18 Q. Yes. I understand your question.
19 So I withdraw the question.

20 A. Okay.

21 Q. Outside of this exhibit, can you
22 point to any paragraph that is verbatim the
23 same in BMR and Crush?

24 A. Define what you mean by same.

25 Q. Verbatim, the exact same words and

1 the exact same order in the paragraph.

2 A. No.

3 Q. What about between BMR and Covet?

4 A. No.

5 Q. What about between BMR and Court?

6 A. No.

7 Q. So -- strike that.

8 Next I would like to pull up
9 Exhibit 128, and I will drop that in the
10 chat. And this document has been previously
11 marked.

12 A. Yes. I'm here.

13 Q. Do you know what this document is?

14 A. This appears to be Exhibit 1, Key:
15 Crave and Blue Moon Rising Comparison.

16 Q. And I will represent to you that
17 it's Exhibit 1 to your first amended
18 complaint.

19 A. Okay.

20 Q. Who created this exhibit?

21 A. This was created between me and my
22 lawyers.

23 Q. And tell me about the process of
24 how this exhibit was created.

25 MR. DONIGER: Just to interpose

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1 back to her because Stacy -- what I
2 understood is that Stacy had an interest in
3 it but not as it was presently written and it
4 needed changes.

5 This from Emily. So I revised it
6 according to what Emily suggested I do.

7 Q. Okay. And this was all by phone,
8 not by e-mail. You don't have any writing
9 that shows that this occurred?

10 A. Correct.

11 Q. And you understand that today
12 you're testifying under oath under penalty of
13 perjury, correct?

14 A. Yes, I do.

15 Q. You also testified today that you
16 might have sent a version of Masqued to
17 Ms. Kim in 2015.

18 Do you recall that?

19 A. Yes, I do.

20 Q. And -- but you don't -- you don't
21 definitively remember whether you did that in
22 2015, correct?

23 A. Correct.

24 Q. Is there any other versions of
25 your manuscript that you worked on after you

CERTIFICATE OF REPORTER

UNITED STATES DISTRICT COURT)

SOUTHERN DISTRICT OF NEW YORK)

I, ERICA FIELD, RPR, Stenographic Court Reporter, certify that I was authorized to and did stenographically report the deposition of LYNNE FREEMAN, pages 1 through 355; that a review of the transcript was not requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 27th day of March, 2023.



Erica Field, RPR